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General Assembly

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Sixtieth session
Third Committee
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Austria, Belgium, Canada, Chile, Croatia, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Mongolia, Netherlands, Poland, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Timor-Leste, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Incompatibility between corruption and the full enjoyment of human rights

The General Assembly,

Recalling its resolutions 55/96 of 4 December 2000, 57/221 of 18 December 2002 and 59/201 of 20 December 2004, and bearing in mind Commission on Human Rights resolutions 1999/57 of 27 April 1999,[1] 2000/47 of 25 April 2000,[2] 2001/41 of 23 April 2001,[3] 2002/46 of 23 April 2002,[4] 2003/36 of 23 April 2003,[5] 2004/30 of 19 April 2004,[6] and 2005/68 of 22 April 2005[7] and the United Nations Convention against Corruption,[8]

Reaffirming that the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance development, peace and security,

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.
[2] Ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.
[3] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.
[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.
[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.
[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.
[7] Ibid., *2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.
[8] Resolution 58/4, annex.

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Recognizing the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights[9] and in the international human rights instruments and the foundation of any democratic society,

Reaffirming that the promotion and protection of human rights is a prerequisite for the existence of a democratic society,

Acknowledging that democracy contributes to the realization of all human rights and that there is a close link between democracy and good governance on the one hand and economic development and poverty alleviation on the other,

Recognizing that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Recalling that the poor are particularly affected by corruption, since corruption often excludes them from access to basic government services,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights and of the mutually reinforcing relationship between good governance and human rights,

Reaffirming that good governance, as referred to in the United Nations Millennium Declaration,[10] is among the indispensable factors for building and strengthening peaceful, prosperous and democratic societies,

Recognizing that an independent and impartial judiciary and an independent legal profession are essential prerequisites for good governance and the protection of human rights,

Recognizing also the crucial importance of the active involvement and contribution of civil society in ensuring that good governance practices benefit all people, including members of vulnerable and marginalized groups,

Recalling the outcomes of the 2004 seminar on good governance practices for the promotion of human rights, sponsored by the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, which highlighted, inter alia, the linkages between fighting corruption, respecting human rights and fostering good governance,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Recalling the Monterrey Consensus of the International Conference on Financing for Development,[11] which underlined that fighting corruption at all levels

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[9] Resolution 217 A (III).

[10] Resolution 55/2.

[11] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

is a priority, and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[12]

Recalling also the Declaration of Nuevo Leon adopted at the Special Summit of the Americas, held at Monterrey, Mexico on 12 and 13 January 2004, in which the democratically elected Heads of State and Government of the Americas pledged to intensify efforts to combat corruption, as well as the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,[13]

Recalling further the African Union Convention on Preventing and Combating Corruption, adopted by the Heads of State and Government of the African Union on 12 July 2003, in which States parties agreed to take significant legislative and other measures to combat corruption,

Recalling the Doha Declaration, adopted at the Second South Summit, held at Doha from 12 to 16 June 2005,[14] in which Heads of State and Government of the States members of the Group of 77 and China resolved to take measures to combat corruption, nationally and internationally,

Recalling also the initiatives taken by the Council of Europe against corruption in areas such as standard-setting, guiding principles, technical cooperation and monitoring, in particular the Criminal Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 27 January 1999,[15] and the Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999,[16] as well as activities of the Organization for Security and Cooperation in Europe in this regard,

Welcoming the initiatives taken by the Commonwealth Secretariat and the Group of Eight with regard to fighting corruption and improving transparency, including the initiative of the Group of Eight to support with bilateral technical assistance those countries committed to a partnership to increase transparency, good governance and the rule of law, and welcoming also the efforts of those Member States that have entered into "Compacts to Promote Transparency and Combat Corruption" with the Group of Eight,

1. *Condemns* corruption in all its forms as one of the primary obstacles to economic, social and democratic development and to the full enjoyment of human rights;

2. *Recalls* that the interdependence between a functioning democracy, strong and accountable institutions and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights;

3. *Welcomes* the adoption of the United Nations Convention against Corruption,[8] looks forward to its entry into force on 14 December 2005, and urges all States that have not done so to consider signing and ratifying the Convention;

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[12] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[13] See E/1996/99.

[14] A/60/111, annex I.

[15] Council of Europe, *European Treaty Series*, No. 173.

[16] Ibid., No. 174.

4. *Affirms* that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as corporations, civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective;

5. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including, inter alia, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and measures;

6. *Encourages* all Governments to strengthen democracy through good governance as referred to in the United Nations Millennium Declaration[19] and the United Nations Convention against Corruption and to prevent, combat and penalize corruption in all its forms by, inter alia:

(a) Consistent with the United Nations Convention against Corruption, abiding by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

(b) Promoting the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

(c) Promoting and protecting freedom of expression, freedom of the media, and freedom to seek, receive and impart information in order, inter alia, to improve the transparency of public institutions and policymaking procedures and enhancing the accountability of public officials;

(d) Taking legal, administrative and political measures against corruption, including by ensuring due process of law and guaranteeing the right to a fair trial, and by disclosing, investigating and punishing all those involved in acts of corruption and by criminalizing payment of illegal commissions and bribes to public officials;

(e) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

(f) Fostering high levels of competence, ethics and professionalism within the civil service and its cooperation with the public, inter alia, by providing appropriate training for members of the civil service;

(g) Taking measures to counter corrupt practices in election processes and developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic election;

7. *Invites* the relevant special procedures of the Commission on Human Rights, as appropriate, to incorporate into their reports the impact of corruption on the enjoyment of human rights.

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Third Committee

Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Austria, Belgium, Canada, Chile, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mongolia, Netherlands, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Timor-Leste, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Incompatibility between corruption and the full enjoyment of human rights

The General Assembly,

Recalling its resolutions 55/96 of 4 December 2000, 57/221 of 18 December 2002, 59/201 of 20 December 2004 and 59/242 of 22 December 2004, and bearing in mind Commission on Human Rights resolutions 1999/57 of 27 April 1999,[1] 2000/47 of 25 April 2000,[2] 2001/41 of 23 April 2001,[3] 2002/46 of 23 April 2002,[4] 2003/36 of 23 April 2003,[5] 2004/30 of 19 April 2004,[6] and 2005/68 of 22 April 2005[7] and the United Nations Convention against Corruption,[8]

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[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] Ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[3] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.

[8] Resolution 58/4, annex.

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Reaffirming that the promotion and protection of the full enjoyment of all human rights and fundamental freedoms for all are essential to advance development, peace and security,

Recognizing the indissoluble link between human rights as enshrined in the Universal Declaration of Human Rights[9] and in the international human rights instruments and the foundation of any democratic society,

Reaffirming that the promotion and protection of human rights is a prerequisite for the existence of a democratic society,

Acknowledging that democracy contributes to the realization of all human rights and that there is a close link between democracy and good governance on the one hand and economic development and poverty alleviation on the other,

Recognizing that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Recalling that corruption often excludes the poor from access to basic government services,

Recognizing the importance of a conducive environment, at both the national and the international levels, for the full enjoyment of all human rights and of the mutually reinforcing relationship between good governance and human rights,

Reaffirming that good governance, as referred to in the United Nations Millennium Declaration,[10] is among the indispensable factors for building and strengthening peaceful, prosperous and democratic societies,

Recognizing that an independent and impartial judiciary and an independent legal profession are essential prerequisites for good governance and the protection of human rights,

Recognizing also the crucial importance of the active involvement and contribution of civil society in ensuring that good governance practices benefit all people, including members of vulnerable and marginalized groups,

Reaffirming the importance of effective national efforts to prevent and combat corruption, and emphasizing the link between such efforts and the promotion of human rights,

Recognizing that effective and efficient international cooperation to prevent and combat corruption, consistent with the United Nations Convention against Corruption, also serves to promote and protect human rights,

Recalling the outcomes of the 2004 seminar on good governance practices for the promotion of human rights, sponsored by the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights, which highlighted, inter alia, the linkages between fighting corruption, respecting human rights and fostering good governance,

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[9] Resolution 217 A (III).

[10] Resolution 55/2.

Recalling also the Monterrey Consensus of the International Conference on Financing for Development,[11] which underlined that fighting corruption at all levels was a priority, and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[12]

Recalling further the Declaration of Nuevo Leon adopted at the Special Summit of the Americas, held at Monterrey, Mexico, on 12 and 13 January 2004, in which the democratically elected Heads of State and Government of the Americas pledged to intensify efforts to combat corruption in the public and private sector, as well as the Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,[13]

Recalling the African Union Convention on Preventing and Combating Corruption, adopted by the Heads of State and Government of the African Union on 12 July 2003, in which States parties agreed to take significant legislative and other measures to combat corruption,

Recalling also the Doha Declaration, adopted at the Second South Summit, held at Doha from 12 to 16 June 2005,[14] in which Heads of State and Government of the States members of the Group of 77 and China resolved to take measures to combat corruption, nationally and internationally,

Recalling further the initiatives taken by the Council of Europe against corruption in areas such as standard-setting, guiding principles, technical cooperation and monitoring, in particular the Criminal Law Convention on Corruption adopted by the Committee of Ministers of the Council of Europe on 27 January 1999,[15] and the Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999,[16] as well as activities of the Organization for Security and Cooperation in Europe in this regard,

Welcoming the initiatives taken by the Commonwealth Secretariat and the Group of Eight with regard to fighting corruption and improving transparency, including the initiative of the Group of Eight to support with bilateral technical assistance those countries committed to a partnership to increase transparency, good governance and the rule of law, and welcoming also the efforts of those Member States that have entered into "Compacts to Promote Transparency and Combat Corruption" with the Group of Eight,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

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[11] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[12] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[13] See E/1996/99.

[14] A/60/111, annex I.

[15] Council of Europe, *European Treaty Series*, No. 173.

[16] Ibid., No. 174.

1. *Condemns* corruption in all its forms as one of the primary obstacles to economic, social and democratic development and to the full enjoyment of human rights;

2. *Recalls* that the interdependence between a functioning democracy, strong and accountable institutions and effective rule of law is essential for a legitimate and effective Government that is respectful of human rights;

3. *Welcomes* the adoption of the United Nations Convention against Corruption,[8] looks forward to its entry into force on 14 December 2005, and urges all States that have not done so to consider signing and ratifying the Convention;

4. *Affirms* that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as corporations, civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective;

5. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including, inter alia, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and measures;

6. *Encourages* all Governments to strengthen democracy through good governance as referred to in the United Nations Millennium Declaration[10] and the United Nations Convention against Corruption and to prevent, combat and penalize corruption in all its forms by, inter alia:

(a) Consistent with the United Nations Convention against Corruption, abiding by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

(b) Promoting the independence and integrity of the judiciary and, by means of appropriate education, selection, support and allocation of resources, strengthening its capacity to render justice with fairness and efficiency, free from improper or corrupt outside influence;

(c) Promoting and protecting freedom of expression, freedom of the media, and freedom to seek, receive and impart information in order, inter alia, to improve the transparency of public institutions and policymaking procedures and enhancing the accountability of public officials;

(d) Taking legal, legislative, administrative and political measures against corruption, in the public and private sector, including by ensuring due process of law and guaranteeing the right to a fair trial and by implementing the anti-corruption measures specified in the United Nations Convention against Corruption;

(e) Desisting from inducing, in any way, State entities, officials or institutions to undertake actions or carry out activities that violate human rights, the principles of the Universal Declaration of Human Rights and the related conventions and treaties;

(f) Promoting the widest possible public access to information about the activities of national and local authorities, as well as ensuring access by all to administrative remedies, without discrimination;

(g) Fostering high levels of competence, ethics and professionalism within the civil service and its cooperation with the public, inter alia, by providing appropriate training for members of the civil service;

(h) Taking measures to counter corrupt practices in election processes and developing, nurturing and maintaining an electoral system that provides for the free and fair expression of the people's will through genuine and periodic election;

7. *Also encourages* all Governments to strengthen their cooperation in the fight against corruption, consistent with the United Nations Convention against Corruption;

8. *Invites* the relevant special procedures of the Commission on Human Rights, as appropriate, to incorporate into their reports the impact of corruption on the enjoyment of human rights.

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Afghanistan, Albania, Argentina, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Luxembourg, Mexico, Monaco, Netherlands, Nicaragua, Panama, Poland, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America: draft resolution

Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 58/180 of 22 December 2003,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[1] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and

[1] Resolution 217 A (III).

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genuine elections, which shall be by universal and equal suffrage and held by secret vote or by equivalent free voting procedures,

Noting with interest Commission on Human Rights resolution 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy,[2]

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, increase citizen participation and provide civic education, in requesting countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Welcoming also the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,[3]

1. *Welcomes* the report of the Secretary-General;[3]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, in its role as coordinator of United Nations electoral assistance, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the mission's results will be reported comprehensively and consistently;

5. *Recommends* that, throughout the time span of the entire electoral process, including before and after elections, as appropriate, based on needs-assessment missions, the United Nations continue to provide technical advice and

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[2] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] A/60/431.

other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

6. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, and encou.ages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

7. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

8. *Encourages* the Secretary-General, through the Electoral Assistance Division, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular through enhancing the capacity of national electoral institutions;

9. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

10. *Notes with satisfaction* the comprehensive coordination between the Electoral Assistance Division and the United Nations Development Programme, and encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

11. *Requests* the United Nations Development Programme to continue its governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

12. *Reiterates* the importance of reinforced coordination within and outside the United Nations system in this regard;

13. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

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Sixtieth session
Third Committee
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Austria, Belgium, Benin, Bulgaria, Cameroon, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Netherlands, Nigeria, Norway, Poland, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Human rights mainstreaming in the United Nations system

The General Assembly,

Reaffirming the Universal Declaration of Human Rights[1] and the Vienna Declaration and Programme of Action,[2]

Reaffirming also the universality, indivisibility, interdependence and interrelatedness of all human rights,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

Recalling the commitment of the Millennium Declaration[3] to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development,

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.
[3] See resolution 55/2.

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Recognizing that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Recalling the mandate and responsibility of the United Nations High Commissioner for Human Rights, including the responsibility to coordinate the human rights promotion and protection activities throughout the United Nations system,

Recognizing the essential importance of the United Nations system in promoting international human rights instruments and adhering to international humanitarian law and international human rights standards in all aspects of its peace and security activities,

Supporting the strengthening of linkages between the normative work of the United Nations system and its operational activities,

Having resolved to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the United Nations High Commissioner for Human Rights and all relevant United Nations bodies,

1. *Welcomes* the:

(a) Recent efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to ensure that human rights are integrated throughout the work of the United Nations;

(b) Support of the High-level Panel on Threats, Challenges and Change for these efforts;

(c) Work done by the specialized agencies and United Nations funds and programmes, inter alia, the United Nations Development Programme and the United Nations Children's Fund, to integrate human rights into their programming processes;

(d) United Nations agreement on a human rights-based approach to development cooperation of 2003;

(e) Inter-agency plan elaborated by the High Commissioner, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen national protection systems in accordance with the action 2 initiative of the reform programme of the Secretary-General;[4]

(f) Recognition in the reports of the United Nations Millennium Project that achieving the Millennium Development Goals requires a commitment to good governance, which includes upholding the rule of law and promoting human rights;

(g) Integration of human rights components in the mandate of peacekeeping operations established by the Security Council;

2. *Stresses* the importance of ongoing efforts aimed at mainstreaming the issue of human rights within the United Nations system;

[4] See A/57/387 and Corr.1.

3. *Underlines* the need for wider knowledge within the entire United Nations system, including country teams, of human rights issues;

4. *Encourages* the:

(a) Security Council to strengthen the links and to continue to develop cooperation with the Office of the United Nations High Commissioner for Human Rights, inter alia, through reports of the High Commissioner to the Council and involvement of the High Commissioner in the implementation of all human rights provisions of Security Council resolutions;

(b) United Nations specialized agencies, funds and programmes;

(i) To mainstream human rights in all their policies, programmes and activities at all levels;

(ii) To implement the United Nations common understanding on a human rights-based approach to development cooperation;

(iii) To strengthen their cooperation with the Office of the High Commissioner;

5. *Encourages* the United Nations High Commissioner for Human Rights:

(a) To enhance her cooperation with all relevant United Nations bodies, including the General Assembly, the Economic and Social Council and the Security Council;

(b) To intensify her efforts to integrate human rights into development, humanitarian and rule of law activities and to further develop and implement the action 2 initiative, inter alia, through enhancing cooperation with United Nations bodies, funds and programmes;

(c) To also intensify her efforts to improve coordination and cooperation among United Nations agencies and programmes active in the field of the promotion and protection of human rights, in particular with respect to the implementation of the United Nations Millennium Declaration[3] and the Millennium Development Goals, and to engage in a dialogue with concerned Governments for that purpose;

6. *Calls upon* Member States:

(a) To implement all universal human rights norms and to integrate the promotion and protection of human rights into national policies;

(b) To further contribute actively towards mainstreaming of human rights at the national, regional and international level;

(c) To consider urgently contributing to the joint initiative of the United Nations Development Group, the Executive Committee for Humanitarian Affairs and the Office of the United Nations High Commissioner for Human Rights on strengthening United Nations support for national human rights protection and promotion systems worldwide;

7. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session.

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Austria, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Cameroon, Chile, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Israel, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Micronesia (Federated States of), Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Poland, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Human rights mainstreaming in the United Nations system

The General Assembly,

Reaffirming the Universal Declaration of Human Rights[1] and the Vienna Declaration and Programme of Action,[2]

Reaffirming also that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Recognizing that development, peace and security and human rights are interlinked and mutually reinforcing,

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

Recalling the commitment of the Millennium Declaration[3] to spare no effort to promote democracy and strengthen the rule of law, as well as respect for all

[1] Resolution 217 A (III).

[2] A/CONF.157/24 (Part I), chap. III.

[3] See resolution 55/2.

internationally recognized human rights and fundamental freedoms, including the right to development,

Recognizing that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

Recalling its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Supporting the strengthening of linkages between the normative work of the United Nations system and its operational activities,

Having resolved to integrate the promotion and protection of human rights into national policies and to support the further mainstreaming of human rights throughout the United Nations system, as well as closer cooperation between the Office of the United Nations High Commissioner for Human Rights and all relevant United Nations bodies,

1. *Welcomes*:

(a) Recent efforts of the Secretary-General and the United Nations High Commissioner for Human Rights to further mainstream human rights throughout the United Nations;

(b) Work done by the specialized agencies and United Nations funds and programmes, inter alia, the United Nations Development Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations, to integrate human rights into their programming processes;

(c) The steps taken by the High Commissioner, in cooperation with the United Nations Development Group and the Executive Committee for Humanitarian Affairs, to strengthen, at the request of States, national protection systems, in accordance with the Action 2 initiative of the reform programme of the Secretary-General;[4]

(d) Integration of human rights aspects in United Nations missions, in particular peacekeeping missions established by the Security Council;

2. *Stresses* the importance of ongoing efforts aimed at continuing to mainstream human rights within the United Nations system, and underlines the need for comprehensive information on all developments in this regard, with a view to ensuring an open and transparent process;

3. *Underlines* the need for wider knowledge within the entire United Nations system, including country teams and peace missions, of human rights issues;

[4] See A/57/387 and Corr.1.

4. *Encourages* the:

(a) Security Council to continue to develop cooperation with the Office of the United Nations High Commissioner for Human Rights;

(b) Economic and Social Council to continue to integrate the promotion and protection of human rights in all areas of its work;

(c) United Nations specialized agencies, funds and programmes;

(i) To continue to mainstream human rights in all their policies, programmes and activities at all levels;

(ii) To pursue their activities in promoting a human rights-based approach to development;

(iii) To strengthen their cooperation with the Office of the High Commissioner;

(d) International financial and multilateral trading systems to continue to mainstream human rights in their policies and objectives;

5. *Encourages* the United Nations High Commissioner for Human Rights:

(a) To enhance her cooperation with all relevant United Nations bodies, including the General Assembly, the Economic and Social Council and the Security Council;

(b) To intensify her efforts to integrate human rights throughout the United Nations system, inter alia, through enhanced cooperation with United Nations bodies, funds and programmes and, at the request of States, the implementation of the Action 2 initiative;

(c) To continue her efforts to improve coordination and cooperation in the field of human rights, in particular with respect to the implementation of the Millennium Declaration[3] and the Millennium Development Goals, and to seek cooperation by concerned Governments as well as United Nations agencies, funds and programmes for that purpose;

6. *Calls upon* Member States:

(a) To integrate the promotion and protection of human rights into national policies;

(b) To further contribute actively towards mainstreaming of human rights within the United Nations system;

(c) To consider urgently contributing to the joint initiative of the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Group and the Executive Committee for Humanitarian Affairs on strengthening United Nations support, at the request of States, for national human rights protection and promotion systems;

7. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session.

United Nations A/C.3/60/L.45

General Assembly

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Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tuvalu, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 59/205 of 20 December 2004, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

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1. *Welcomes*:

(a) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures of the Commission on Human Rights during their visits;

(b) The visit of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, to the Islamic Republic of Iran from 29 January to 6 February 2005;

(c) The visit of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living to the Islamic Republic of Iran from 19 July to 30 July 2005;

(d) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(e) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the Parliament, which was approved by the Guardian Council in May 2004;

(f) The compliance by the Islamic Republic of Iran with its obligation, as party to the Convention on the Rights of the Child, to deliver its presentation to the Committee on the Rights of the Child in January 2005;

(g) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while regretting that a number of these have not met at regular intervals lately;

(h) The cooperation with the United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(a) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics and web bloggers, including through undue restrictions on the freedoms of assembly, opinion and expression, the use of arbitrary arrest, targeted at both individuals and their family members and the unjustified closure of newspapers and blocking of Internet sites, as well as the absence of many necessary conditions for free and fair elections, including by the arbitrary disqualification of large numbers of prospective candidates, including all women, during the Presidential elections of June 2005;

(b) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the harassment, intimidation and persecution of defence lawyers and legal defenders, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences, and the violation of the rights of detainees, including the systematic and arbitrary use of

prolonged solitary confinement, the failure to provide proper medical care to those imprisoned and the arbitrary denial of contact between detainees and their family members;

(c) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(d) The continued carrying out of public executions, including multiple public executions and, on a large scale, other executions in the absence of respect for internationally recognized safeguards, and, in particular, deplores the execution of persons who were below 18 years of age at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights[2] and in spite of the announcement of a moratorium on juvenile executions;

(e) The continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systemic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[4]

(f) The continuing discrimination, and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Kurds, Baluchi, Christians, Jews and Sunni Muslims, the escalation and increased frequency of discrimination and other human rights violations against the Bahá'í, including cases of arbitrary arrest and detention, the denial of freedom of religion or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits and recent violent crackdowns on Kurds;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To ensure full respect for the rights to freedom of assembly, opinion and expression, and the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant for Civil and Political Rights and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing people imprisoned arbitrarily or on the basis of their political views;

(b) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

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[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.

(c) To eliminate, in law and in practice, the use of torture and cruel, inhuman or other degrading treatment or punishment such as amputations and flogging, to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards and, as proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

(d) To abolish public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular executions for persons who, at the time of their offence, were under the age of 18, the latter of which was called for by the Committee on the Rights of the Child in its report of January 2005, and to uphold the moratorium on executions by stoning and to introduce this moratorium as law as a first step towards the abolition of this punishment;

(e) To eliminate, in law or in practice, all forms of discrimination and violence against women and girls and, as proposed by the elected Iranian Parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[8]

(f) To eliminate, in law or in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Kurds, Baluchi, Christians, Jews, Sunni Muslims and the Bahá'i, and to address this matter in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance, which recommended ways the Islamic Republic of Iran could emancipate the Bahá'i community;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the human rights situation in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to illustrate how their subsequent recommendations have been addressed, including those of special procedures that have visited in the past twelve months;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-first session, under the agenda item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

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[7] Ibid., vol. 1465, No. 24841.

[8] Ibid., vol. 1249, No. 20378.

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Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolutions 59/206 of 20 December 2004 and 58/194 of 22 December 2003, and Commission on Human Rights resolutions 2004/12 of 15 April 2004[1] and 2003/11 of 16 April 2003,[2]

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of the Secretary-General on the situation of human rights in Turkmenistan,[3] which concludes that while the Government of Turkmenistan has

[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* and corrigendum (E/2004/23 and Corr.1), chap. II.A.
[2] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II.A.
[3] A/60/367.

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made some progress in addressing human rights issues, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. *Welcomes*:

(a) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to their full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

(b) The release in April 2005 of four Jehovah's Witnesses who had made conscientious objections to undertaking military service;

(c) The lifting of criminal penalties for the activities of non-registered non-governmental organizations in November 2004 while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;

(d) The submission, within the last year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination to the Committee on the Elimination of Racial Discrimination, as well as the reports due under the Convention on the Rights of the Child[4] and the Convention on the Elimination of All Forms of Discrimination against Women,[5] while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(e) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(f) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that these reforms be truly democratic, in line with established international norms;

(g) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[6]

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography;[7]

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[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[5] Ibid., vol. 1249, No. 20378.
[6] Resolution 54/263, annex I.
[7] Resolution 54/263, annex II.

(iii) The United Nations Convention against Transnational Organized Crime,[8] its Protocol to Suppress and Punish Trafficking in Persons, Especially Women and Children[9] and its Protocol against the Smuggling of Migrants by Land, Sea and Air;[10]

(h) The public statements of the President of Turkmenistan recommending the abolition of removing children from school for the cotton harvest and reprimanding a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child's education, and calls on the Government of Turkmenistan to ensure that the law is fully implemented;

(i) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to a significant number of Tajik refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(j) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(a) The persistence of a governmental policy based on the repression of all political opposition activities;

(b) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and by harassment of their families;

(c) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(d) The continued denial by the Government of Turkmenistan of unaccompanied access to prisoners by the International Committee of the Red Cross, according to the usual terms of the Committee and international monitors;

(e) The Government of Turkmenistan's complete control of the media, censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down the last remaining Russian language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibiting all local journalists to have contact with foreigners without the express consent of the Government;

(f) Continued restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right and freedom of thought, conscience and religion of members of certain religious communities;

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[8] Resolution 55/25.

[9] Resolution 55/25, annex II.

[10] Resolution 55/25, annex III.

(g) Continued discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

(h) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(i) Continued restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the 2003 law on public associations;

(j) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe as regards to the investigation, trial and detention procedures following the reported assassination attempt against the President of Turkmenistan in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(k) Arbitrary or unlawful interference with individuals privacy, family, home or correspondence and violations of the freedom to leave one's country;

(l) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

(m) Government policies that significantly restrict equal access of all persons to quality health care and services;

(n) Government policies that significantly restrict equal access of all persons to quality education;

3. *Urges* the Government of Turkmenistan:

(a) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 59/206 and 58/194 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(b) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission on Human Rights to visit the country, as recalled in the report of the Secretary-General,[3] and with all the relevant United Nations treaty bodies;

(c) To implement fully the recommendations outlined in the report of the rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization's Chairman-in-

Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization's High Commissioner on National Minorities;

(d) In the light of the meeting of the President of Turkmenistan with representatives of the International Committee of the Red Cross in June 2005 and the meeting of the Minister for Foreign Affairs of Turkmenistan with the International Committee of the Red Cross in September 2005, to finalize an agreement allowing the Committee and other for interested representatives of the international community to visit Turkmen prisons by providing appropriate independent bodies, including the Committee, with full access to all places of detention, in accordance with the usual modalities for those organizations, and by ensuring that lawyers and relatives have full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(e) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(f) To bring laws and practices governing registration of public associations, including non-governmental organizations, in line with standards of the Organization for Security and Cooperation in Europe and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(g) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(h) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the implementation of the present resolution.

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Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in the field,

Reaffirming also Commission on Human Rights resolution 2005/82, of 21 April 2005,[3]

Recalling Security Council resolutions 1296 (2000) of 19 April 2000, 1325 (2000) of 31 October 2000, 1556 (2004) of 30 July 2004, 1590 (2005) of 24 March 2005, 1591 (2005) of 29 March 2005, and 1593 (2005) of 31 March 2005,

Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth,

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II.A.

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1. *Welcomes*:

(a) Progress made in implementing the Comprehensive Peace Agreement concluded in Nairobi on 9 January 2005;

(b) The adoption of the interim constitution on 9 July 2005 and the provisions for human rights therein;

(c) The commitments made by both parties, in the aftermath of the death of first Vice-President Dr. John Garang de Mabior on 30 July 2005, to continue to work together in implementing the Comprehensive Peace Agreement;

(d) The full involvement of the Commission of the African Union in the search for a political solution in Abuja and the signature of the Declaration of Principles as an initial step;

(e) The efforts of the African Union Mission in the Sudan in Darfur to stabilize the security situation on the ground;

(f) The support pledged by the international community to the African Union Mission in the Sudan in Addis Ababa and the contributions delivered thus far;

(g) The appointment of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;

(h) The cooperation extended by the Government of National Unity to the Special Rapporteur on her mission to the country from 15 to 22 October;

(i) The decision by the Office of the Prosecutor of the International Criminal Court to commence an investigation into crimes allegedly committed in Darfur;

(j) The activities of Human Rights Unit of the United Nations Mission in the Sudan and of the Office of the United Nations High Commissioner for Human Rights in support of human rights in the Sudan to date;

2. *Concerned* at:

(a) The delays in the implementation of the Comprehensive Peace Agreement and the establishment of the Assessment and Evaluation Commission;

(b) The protracted humanitarian crisis in Darfur and recent upsurge in violence perpetrated by all parties to the conflict;

(c) The continuing climate of impunity in the Darfur region, particularly in the area of violence against women and girls;

(d) The forced relocation of displaced people, particularly in the peri-urban settlements around Khartoum;

3. *Condemns*:

(a) Continued violations of the Ceasefire Agreement concluded in N'djamena on 8 April 2004 and the Abuja Protocols on Improvement of the Humanitarian Situation and Enhancement of the Security Situation of 9 November 2004 by all parties to the conflict and the impact this has had on humanitarian efforts;

(b) Continued violence against civilians, including sexual violence, extrajudicial killings, disappearances, arbitrary detention and torture, widespread displacement, denial of religious freedom and other violations of human rights throughout the country;

(c) Attacks on humanitarian agencies and non-governmental organizations and African Union staff;

(d) Imposition of the death penalty and punishments that constitute cruel, inhuman or degrading treatment;

4. *Calls* on all parties to the conflict:

(a) To participate without preconditions at the Abuja talks and negotiate constructively to ensure a swift and sustainable agreement to resolve the Darfur conflict;

(b) To cease all acts of violence and respect fully the N'djamena Ceasefire Agreement and the Abuja Protocols;

(c) To grant immediate, safe and unhindered humanitarian access to Darfur and elsewhere in the Sudan and to cooperate fully with the humanitarian agencies working to alleviate the suffering of the affected populations;

(d) To cooperate fully with the relevant bodies and mechanisms of the United Nations and the African Union involved in the search for a solution to the multiple crises affecting the Sudan, including Darfur;

(e) To cooperate fully in the implementation of Security Council resolutions 1296 (2000) 1325 (2000), 1556 (2004), 1590 (2005), 1591 (2005) and 1593 (2005);

(f) To grant the International Committee of the Red Cross access to all persons detained under their authority, including those detained in relation to the situation in Darfur;

(g) To avoid the spread of violence to other parts of the Sudan, including in the East;

5. *Calls* on the Government of National Unity:

(a) To respect and protect human rights and to comply fully with its international human rights obligations and to fulfil commitments it has made to ratify as a matter of priority treaties to which it is not a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] and the Convention on the Elimination of All Forms of Discrimination against Women;[5]

(b) To continue to move forward with the implementation of the Comprehensive Peace Agreement, including the establishment of the Assessment and Evaluation Commission;

(c) To cooperate fully with the International Criminal Court;

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[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.

(d) To stop violations of human rights and to end the prevailing culture of impunity and effectively investigate human rights violations and bring the perpetrators to justice, in accordance with international standards of due process;

(e) To strengthen the independence of the judiciary and to take further steps to guarantee freedom of expression;

(f) To promote a peaceful solution in East Sudan based on dialogue and spirit of compromise;

(g) To disarm the Janjaweed militias in conformity with the relevant Security Council resolutions;

(h) To continue its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

6. *Encourages* the African Union:

(a) To continue to contribute towards international efforts to protect and promote human rights in Darfur, as well as to coordinate international efforts towards the protection of civilians, with particular attention to vulnerable groups including internally displaced persons, returning refugees and women and children, within its capabilities and in close cooperation with other United Nations agencies, related organizations, and non-governmental organizations;

(b) To pursue its important role in ensuring a successful conclusion to the Abuja peace talks;

7. *Encourages* the international community:

(a) To continue and expand its support towards full implementation of the Comprehensive Peace Agreement, which will be conducive to sustained international support for development of the country;

(b) To continue its support for the African Union efforts and activities aimed at establishing an environment conducive to peace in Darfur, including by providing adequate logistical and financial support to the African Union Mission in the Sudan in Darfur to enable it to achieve its objectives;

(c) To continue to support efforts aimed at promoting and protecting human rights in the Sudan, and to contribute towards humanitarian relief, recovery and reconstruction activities in the Sudan, including the affected population in Darfur to complement the efforts of the Government of National Unity;

8. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the progress made in the implementation of the present resolution.

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General Assembly

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Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling Commission on Human Rights resolutions 2003/10 of 16 April 2003,[4] 2004/13 of 15 April 2004,[5] and 2005/11 of 14 April 2005,[6]

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 44/25, annex.
[3] Resolution 34/180, annex.
[4] *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23 and Corr.1), chap. II, sect. A.
[5] Ibid., *2004, Supplement No. 3* (E/2004/23 and Corr.1), chap. II, sect. A.
[6] E/2005/23 (Part I)-E/CN.4/2005/134 (Part I) and Corr.1, to be published as part of the complete report of the Commission on its sixty-first session, as *Official Records of the Economic and Social Council, 2005, Supplement No. 3*.

05-58651 (E) 071105

Recalling in particular that in its resolution 2005/11, the Commission on Human Rights urged the General Assembly to take up the question of the situation of human rights in the Democratic People's Republic of Korea if the Government did not extend cooperation to the Special Rapporteur of the Commission on the situation of human rights in the Democratic People's Republic of Korea and if improvement of the situation of human rights in the country was not observed,

Taking note of the report of the Special Rapporteur,[7]

1. *Expresses its serious concern* at:

(a) The refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(iv) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance;

2. *Expresses its concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its deep concern* at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition, which still affects the physical and mental development of a significant proportion of children;

[7] See A/60/306.

4. *Urges* the Government of the Democratic People's Republic of Korea, in this regard, to ensure that humanitarian organizations, including non-governmental organizations and United Nations organizations, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People's Republic of Korea in order that they may ensure that humanitarian assistance is delivered impartially on the basis of need in accordance with humanitarian principles, this concern having been aggravated by the announcement by the authorities of the Democratic People's Republic of Korea of their intention not to accept humanitarian assistance from January 2006;

5. *Also urges* the Government of the Democratic People's Republic of Korea to fully respect all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the Commission on Human Rights, in particular full cooperation with the Special Rapporteur.

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Sixtieth session
Third Committee
Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Belarus, Botswana, Burundi, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ethiopia, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Nigeria, Sudan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolution 58/192 of 22 December 2003,

Recalling also Commission on Human Rights resolution 2005/56 of 20 April 2005,[1] entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all",

Taking note of its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

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[1] *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II.A.

[2] See resolution 55/2.

05-58705 (E) 091105

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming also its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of these rights,

Underlining that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

2. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

3. *Solemnly declares* that the peoples of our planet have a sacred right to peace and that the preservation and promotion of peace constitute a fundamental obligation of each State;

4. *Emphasizes* that the preservation and promotion of peace demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

5. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

6. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

7. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, and encourages States to settle their disputes as early as possible, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

8. *Calls upon* the United Nations High Commissioner for Human Rights to carry out a constructive dialogue and consultations with Member States, the specialized agencies and intergovernmental organizations on how the Commission on Human Rights could work for the promotion of an international environment conducive to the full realization of the right of peoples to peace, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixty-second session under the item entitled "Human rights questions".

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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Belarus, Benin, China, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Libyan Arab Jamahiriya, Myanmar, Sudan, Venezuela, Viet Nam and Zimbabwe: draft resolution

Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the right to self-determination, by virtue of which all peoples can freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that the principles enshrined in Article 2 of the Charter of the United Nations, in particular respect for national sovereignty, should be respected in the holding of elections,

Recognizing also the richness and diversity of democratic political systems and models of free and fair electoral processes in the world, based on national and regional particularities and various backgrounds,

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Stressing the responsibility of States in ensuring ways and means to facilitate full and effective popular participation in their electoral processes,

Recognizing the contribution made by the United Nations of electoral assistance provided to numerous States upon their request,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law,

Reaffirming also that democracy, sustainable development, and respect for human rights and fundamental freedoms, and good governance at all levels, are interdependent and mutually reinforcing and determined to strengthen respect for the rule of law at national and international levels,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration,[1] to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

1. *Reaffirms* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development, and that every State has the duty to respect that right, in accordance with the provisions of the Charter of the United Nations;

2. *Reiterates* that periodic, fair and free elections are important elements for the promotion and protection of human rights;

3. *Reaffirms* the right of peoples to determine methods and to establish institutions regarding electoral processes and, consequently, that there is no single model of democracy or of democratic institutions and that States should ensure all the necessary mechanisms and means to facilitate full and effective popular participation in those processes;

4. *Also reaffirms* that free development of the national electoral process in each State should be fully honoured in a manner that fully respects the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

5. *Calls upon* all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes;

6. *Condemns* any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

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[1] See resolution 55/2.

8. *Decides* to continue its consideration of the question of the respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights at its sixty-second session under the item entitled "Human rights questions".

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Sixtieth session
Third Committee
Agenda item 71 (c)
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Uzbekistan

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Uzbekistan is party to the International Covenant on Civil and Political Rights,[1] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[2] the International Covenant on Economic, Social and Cultural Rights,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[3] the Convention on the Elimination of Discrimination against Women,[4] and the Convention on the Rights of the Child,[5]

Deeply concerned by the events that occurred in Andijan in May 2005 and the subsequent response of the Uzbek authorities,

1. *Welcomes*:

(a) The high-level talks of the Government of Uzbekistan with the Secretary-General of the Organization for Security and Cooperation in Europe and Special Representative of the European Union for Central Asia, and hopes that a real, constructive dialogue on human rights issues will be held soon;

[1] Resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[3] Resolution 2106 A (XX), annex.
[4] United Nations, *Treaty Series*, vol. 1249, No. 20378.
[5] Ibid., vol. 1577, No. 27531.

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(b) The steps, albeit limited, taken to date to implement the National Action Plan on Torture and the recommendations of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment, including the definition of torture by the Supreme Court in accordance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] and the amendment of the Criminal Code to include torture as a punishable crime;

(c) The statement made by the President of Uzbekistan on 28 January 2005 in which he expressed, inter alia, the intention to provide for true independence of the judiciary, and calls the Government of Uzbekistan to take steps to allow for its practical independence, as outlined by the President;

(d) The decree of the President of Uzbekistan on 1 August 2005 that the death penalty shall be abolished in Uzbekistan as of 1 January 2008;[6]

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Uzbekistan, including in particular:

(a) Eyewitness reports of indiscriminate and disproportionate force used by government troops to quell demonstrations in Andijan in May 2005 resulting in the death of many civilians;

(b) The pressure applied to prevent citizens of Uzbekistan with refugee status granted by the Office of the United Nations High Commissioner for Refugees from travelling to a third country;

(c) Reports of arbitrary arrest and detention, including of eyewitnesses to the events in Andijan;

(d) Prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein and increasing restrictions on freedom of expression, particularly harassment, beatings, arrests and threats made against journalists and civil society activists attempting to document and publicize information on the events in Andijan;

(e) Continued refusal to permit the registration of opposition political parties, and their consequent inability to participate in the electoral process;

(f) A continued pattern of discrimination, harassment and prosecution with regard to the exercise of freedom of thought, conscience and religion;

(g) Serious constraints on, and harassment and detention of, the members of non-governmental organizations and civil society, including human rights defenders;

(h) Continued restriction of access of representatives of the International Committee of the Red Cross to places of detention;

3. *Deeply regrets* the decision of the Government of Uzbekistan to reject both the repeated calls of the United Nations High Commissioner for Human Rights for the establishment of an independent commission of inquiry into the events that occurred in Andijan on 13 May 2005, and the request of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions to visit Uzbekistan soon afterwards;

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[5] A/59/999, annex.

4. *Strongly calls upon* the Government of Uzbekistan:

(a) To implement fully without any delay the recommendations contained in the report of the mission of the Office of the United Nations High Commissioner for Human Rights to Kyrgyzstan in June 2005,[7] most notably with respect to granting permission for the establishment of an international commission of inquiry into the events in Andijan;

(b) To accede to the 1951 Convention relating to the Status of Refugees[8] and the 1967 Protocol thereto;[9]

(c) To put an end to the harassment and detention of eyewitnesses to the events in Andijan;

(d) To ensure readily accessible and fair trials;

(e) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the recommendations of the Independent Expert on the protection of human rights and fundamental freedoms while countering terrorism appointed under the confidential 1503 procedure at the sixtieth session of the Commission on Human Rights[10] and to extend full cooperation to the newly appointed Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

(f) To permit the full freedom of practising religion;

(g) To implement fully the recommendations contained in the report of the Special Rapporteur of the Commission on Human Rights on the question of torture[11] prepared following his visit to Uzbekistan from 24 November to 6 December 2002;[11]

(h) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights and all the relevant United Nations treaty bodies;

(i) To allow, in line with Uzbek commitments, access of representatives of the International Committee of the Red Cross to detainees;

(j) To implement fully the commitments undertaken in the framework of the Organization for Security and Cooperation in Europe and to cooperate with the institutions of the Organization;

(k) To register independent opposition political parties and allow them to participate in the electoral process;

(l) To lift restrictions on the activities of civil society, including non-governmental organizations;

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[7] Available from http://www.reliefweb.int/library/documents/2005/unhcr-uzb-12jul.pdf (accessed 3 November 2005).

[8] United Nations, *Treaty Series*, vol. 189, No. 2545.

[9] Ibid., vol. 606, No. 8791.

[10] See E/CN.4/2005/103, sect. V.

[11] E/CN.4/2003/68/Add.2, annex.

(m) To protect journalists, including those who write articles opposing government policy, in line with the President's past appeals for journalists to be more critical, and the functioning of independent media outlets, including, as the case may be, licensing and accreditation;

(n) To take legislative, judicial, administrative and other appropriate measures to actively protect human rights defenders against any violence, threats and other forms of harassment and to withdraw all measures that restrict their freedom of action, assembly and speech or that hinder them from carrying out their legitimate activities according to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;[12]

(o) To place no restrictions on diplomats and representatives of the United Nations, the Organization for Security and Cooperation in Europe and other international bodies in respect of their travel to Uzbekistan;

5. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session.

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[12] Resolution 53/144, annex.

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Third Committee

Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Argentina, Azerbaijan, Barbados, Belarus, Belize, Benin, Bolivia, Brazil, Burundi, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Djibouti, Ecuador, Ethiopia, Guatemala, Iran (Islamic Republic of), Jamaica, Kenya, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Mali, Mauritius, Mexico, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Panama, Peru, Rwanda, Saint Vincent and the Grenadines, Senegal, South Africa, Sudan, Syrian Arab Republic, Turkmenistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution

The right to food

The General Assembly,

Recalling its resolution 59/202 of 20 December 2004, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2005/18 of 14 April 2005,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[3] and the United Nations Millennium Declaration,[4]

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23 (Part I)), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No.E.75.II.A.3), chap. I.

[4] See resolution 55/2.

05-58729 (E) 091105

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Welcoming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in a massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

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[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13–17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10–15 June 2002*, part one, appendix; see also A/57/499, annex.

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers it intolerable* that there are about 852 million undernourished people in the world, that every five seconds a child under the age of 5 dies from hunger or hunger-related diseases somewhere in the world and that one person loses his/her eyesight every four minutes as a result of a lack of vitamin A, when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to provide 2,100 kilocalories per person per day to 12 billion people, twice the world's present population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

6. *Encourages* the Special Rapporteur of the Commission on Human Rights on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate;

7. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

8. *Acknowledges* that at the annual sessions of the Working Group on Indigenous Populations of the Subcommission on the Promotion and the Protection of Human Rights and of the Permanent Forum on Indigenous Issues, many indigenous organizations and representatives of indigenous communities have expressed their deep concerns over the obstacles and challenges to their full enjoyment of the right to food, and that this situation needs to be addressed;

9. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

10. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

11. *Expresses its appreciation* for the New York Declaration on Action against Hunger and Poverty, which has been supported by more than one hundred countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

12. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[7] and the United Nations Millennium Declaration;[5]

13. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

14. *Stresses* the importance of international development cooperation and assistance, in particular in emergency situations such as natural disasters, diseases and pests, for the realization of the right to food, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

15. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa;

16. *Urges* the international organizations, such as the World Bank, the International Monetary Fund and the World Trade Organization, to refrain from obliging member States, in particular developing countries, to adopt policies, structural adjustment programmes and rules on trade in agriculture and other areas that hinder and negatively impact the realization of the right to food;

17. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

18. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[9]

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

20. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other

[8] See A/60/350.

[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

21. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[11]

22. *Welcomes* the adoption by the Council of the Food and Agriculture Organization of the United Nations, of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which mark an important step in the progress towards the promotion, protection and implementation of human rights for all;

23. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

24. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries, to enable him to fulfil his mandate more effectively;

25. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-second session and an interim report to the General Assembly at its sixty-first session on the implementation of the present resolution;

26. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

27. *Decides* to continue the consideration of the question at its sixty-first session under the item entitled "Human rights questions".

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[10] Ibid., *2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[11] Ibid., *Supplement No. 2* (E/2003/22), annex IV.

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Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Brazil, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominica, Dominican Republic, Djibouti, Ecuador, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Lithuania, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritius, Mexico, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, Philippines, Portugal, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, Turkmenistan, Venezuela (Bolivarian Republic of), Viet Nam, Zambia and Zimbabwe: revised draft resolution

The right to food

The General Assembly,

Recalling its resolution 59/202 of 20 December 2004, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2005/18 of 14 April 2005,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23 (Part I), chap. II, sect. A.
[2] Resolution 217 A (III).

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well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[3] and the United Nations Millennium Declaration,[4]

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Welcoming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted

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[3] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[4] See resolution 55/2.

[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13–17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10–15 June 2002*, part one, appendix; see also A/57/499, annex.

in a massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers it intolerable* that there are about 852 million undernourished people in the world, that every five seconds a child under the age of 5 dies from hunger or hunger-related diseases somewhere in the world, when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to provide 2,100 kilocalories per person per day to 12 billion people, twice the world's present population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur of the Commission on Human Rights on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

8. *Acknowledges* that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges for their full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the pervasive discrimination against them;

9. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

10. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

11. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, which has been supported by more than one hundred countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

12. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[*] and the United Nations Millennium Declaration;[*]

13. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

14. *Stresses* the importance of international development cooperation and assistance, in particular in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

15. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa;

16. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support Member States strategies aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

17. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[*] and also takes note of his valuable work in the promotion of the right to food;

[*] See A/60/174.

18. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[9]

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

20. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

21. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[11]

22. *Welcomes* the adoption by the Council of the Food and Agriculture Organization of the United Nations of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, which represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals, including those contained in the United Nations Millennium Declaration;

23. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

24. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

25. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-second session and an interim report to the General Assembly at its sixty-first session on the implementation of the present resolution;

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[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[10] *Ibid., 2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[11] *Ibid., 2003, Supplement No. 2* (E/2003/22), annex IV.

26. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

27. *Decides* to continue the consideration of the question at its sixty-first session under the item entitled "Human rights questions".

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Sixtieth session
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Human rights questions: human rights situations and reports of special rapporteurs and representatives

Albania, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations, and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the human rights situation in Myanmar, the most recent of which is resolution 59/263 of 22 December 2004, those of the Commission on Human Rights, the most recent of which is resolution 2005/10 of 14 April 2005,[3] and the conclusions of the International Labour Conference of 4 June 2005,

Bearing in mind Security Council resolutions 1325 (2000) of 31 October 2000 on women, peace and security, 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and 1612 (2005) of 26 July 2005 on children in armed conflict, and the report of the Secretary-General on children and armed conflict,[4]

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See E/2005/23 (Part I)-E/CN.4/2005/134 (Part I) and Corr.1, to be published as part of the complete report of the Commission on its sixty-first session, as *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.
[4] A/59/695-S/2005/72.

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Recognizing that good governance, democracy, the rule of law and respect for human rights are essential to achieving sustainable development and economic growth, and affirming that the establishment of a genuine democratic government in Myanmar is essential for the realization of all human rights and fundamental freedoms,

Affirming that the will of the people is the basis of the authority of government and that the will of the people of Myanmar was clearly expressed in the elections held in 1990,

1. *Welcomes*:

(a) The reports of both the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar[5] and the Secretary-General[6];

(b) The personal engagement and statements of the Secretary-General with regard to the situation of Myanmar;

(c) The efforts of the United Nations and other international humanitarian organizations to deliver urgently needed humanitarian assistance to the most vulnerable people in Myanmar;

(d) The release by the Government of Myanmar of some two hundred forty-nine political prisoners, while noting that over eleven hundred political prisoners remain incarcerated;

(e) The establishment by the Government of a Committee for the Prevention of Military Recruitment of Under-age Soldiers and the adoption in November 2004 of an outline plan of action to address the issues of under-age recruitment and child soldiers;

(f) The ratification by Myanmar of the United Nations Convention against Transnational Organized Crime[7] and two of its Protocols, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[8] and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[9] on 30 March 2004, and the enactment by Myanmar of an Anti-trafficking in Persons Law drawn up in accordance with the Convention in September 2005;

2. *Expresses grave concern* at:

(a) The ongoing systematic violation of the human rights, including civil, political, economic, social and cultural rights, of the people of Myanmar, including violations of the right to an adequate standard of living, discrimination and violations suffered by persons belonging to ethnic nationalities, women and children, especially in non-ceasefire areas, including but not limited to extrajudicial killings, rape and other forms of sexual violence persistently carried out by members of the armed forces, continuing use of torture, deaths in custody, political

[5] E/CN.4/2005/36 and A/60/221.

[6] A/60/422 and Corr.1 and E/CN.4/2005/130.

[7] Resolution 55/25, annex I.

[8] Ibid., annex II.

[9] Ibid., annex III.

arrests and continuing imprisonment and other detentions; forced relocation; forced labour, including child labour; trafficking in persons; denial of freedom of assembly, association, expression and movement; wide disrespect for the rule of law; continued recruitment and use of child soldiers, use of landmines, and the confiscation of arable land, crops, livestock and other possessions;

(b) The extension of the house arrest of National League for Democracy General Secretary Aung San Suu Kyi and her deputy, Tin Oo, and the persistent denial of their human rights and fundamental freedoms, including freedom of movement and association, as well as the continued detention, particularly incommunicado detention, of other senior leaders of the League and of the leadership of other political parties or ethnic nationalities, particularly the detention of Khun Htun Oo and Sai Nyunt Lwin, Chairman and General Secretary, respectively, of the Shan Nationalities League for Democracy, and Sao Hso Ten, Chairman of the Shan State Peace Council;

(c) The consistent harassment of members of the National League for Democracy and other politicians, and the fact that no full and independent inquiry with international cooperation has been initiated into the attack that took place near Depayin on 30 May 2003, despite the decision taken thereon by the General Assembly in its resolution 58/247 of 23 December 2003;

(d) The absence of a substantive and structured dialogue with Aung San Suu Kyi and the National League for Democracy, and some representative ethnic groups, that facilitates national reconciliation, coupled with continuing restrictions placed on the League and other political parties which have prevented them from participating in the National Convention including the continued closure of the League's regional offices;

(e) The renewed attacks by military forces on ceasefire groups in violation of ceasefire agreements, and the subsequent and continuing violations of human rights, and the deterioration of the enjoyment of human rights by the affected populations;

(f) The continued denial of the freedom of human rights defenders to pursue their legitimate activities;

(g) The situation of the large number of internally displaced persons and the flow of refugees to neighbouring countries, and recalls in this context the obligations of Myanmar under international law;

(h) The fact that the Government of Myanmar, as noted by the International Labour Conference 2005, has still not implemented the recommendations of the International Labour Organization Commission of Inquiry; has yet to demonstrate its stated determination to eliminate forced labour and take the necessary measures to comply with International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; and has yet to demonstrate commitment at the highest level to a substantive policy dialogue that can address the forced labour problem;

(i) The fact that the Special Envoy of the Secretary-General for Myanmar as well as the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar have been unable to visit the country for almost two years, despite repeated requests;

(j) The imposition of various travel restrictions on United Nations and other international organizations undertaking to enable access for the delivery of humanitarian assistance to all parts of Myanmar and notes the related withdrawal of the Global Fund to Fight AIDS, Tuberculosis and Malaria;

3. *Strongly calls upon* the Government of Myanmar:

(a) To end the systematic violations of human rights in Myanmar, and to ensure full respect for all human rights and fundamental freedoms;

(b) To end impunity and to investigate and bring to justice any perpetrators of human rights violations, including members of the military and other government agents in all circumstances;

(c) To consider as a matter of high priority becoming party to all instruments of international human rights law and international humanitarian law, and to ensure that existing legal obligations are implemented;

(d) To promote the full enjoyment of all human rights and allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(e) To put an immediate end to the recruitment and use of child soldiers and to extend full cooperation to relevant international organizations in order to ensure the demobilization of child soldiers, their return home and their rehabilitation in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005, and stresses the need for the Government of Myanmar to maintain close dialogue with the United Nations Children's Fund, and to cooperate with the Special Representative of the Secretary-General for Children and Armed Conflict in accordance with Council resolutions 1539 (2004) and 1612 (2005);

(f) To end widespread rape and other forms of sexual violence persistently carried out by members of the armed forces, in particular against women belonging to ethnic nationalities, and to investigate and bring to justice any perpetrators in order to end impunity for these acts;

(g) To end the systematic enforced displacement of persons and other causes of refugee flows to neighbouring countries, to provide the necessary protection and assistance to internally displaced persons, in cooperation with the international community, and to respect the right of refugees to voluntary, safe and dignified return monitored by appropriate international agencies in accordance with international law including applicable international humanitarian law;

(h) To release all political prisoners immediately and unconditionally, including National League for Democracy leaders Aung San Suu Kyi and Tin Oo, and Shan Nationalities League for Democracy leader Khun Htun Oo and other Shan leaders, and to allow their full participation in a genuinely inclusive process of national reconciliation;

(i) To lift all restraints on peaceful political activity of all persons, including former political prisoners, by, inter alia, guaranteeing freedom of association and freedom of expression, including freedom of the media, and to ensure unhindered access to information for the people of Myanmar and to desist from arresting and punishing persons for their peaceful political activities;

(j) To urgently resolve the serious issues identified by the High-level Team and the International Labour Conference, including: to give clear assurances that no action will be taken against persons lodging complaints of forced labour; to resolve outstanding allegations of forced labour; to issue the necessary visas to allow a strengthening of the International Labour Organization presence in Myanmar; and to respect the freedom of movement of the Liaison Officer a.i.;

(k) To cooperate fully with the Special Envoy of the Secretary-General for Myanmar and the Special Rapporteur in order to bring Myanmar towards a transition to civilian rule, and to ensure that they are both granted full, free and unimpeded access to Myanmar and that no person cooperating with the Special Envoy, the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment, and to review as a matter of urgency the cases of those currently undergoing punishment in this regard;

(l) Without further delay to cooperate fully with the Special Rapporteur to facilitate an independent international investigation of continuing reports of sexual violence and other abuse of civilians carried out by members of the armed forces in Shan, Karen, Mon and other States;

(m) To ensure immediately safe and unhindered access to all parts of Myanmar for the United Nations and international humanitarian organizations and to cooperate fully with those organizations so as to ensure that humanitarian assistance is delivered in accordance with humanitarian principles and reaches the most vulnerable groups of the population in accordance with applicable international law including applicable international humanitarian law;

(n) To ensure that discipline in prisons does not constitute torture or cruel, inhuman or degrading treatment or punishment, and that conditions of detention otherwise meet international standards and to include the possibility of visiting any detainee, including Aung San Suu Kyi;

(o) To ensure that government forces do not engage in food and land requisition or the destruction of villages;

(p) To continue to take action to fight the HIV/AIDS epidemic;

4. *Calls upon* the Government of Myanmar:

(a) To ensure that the remainder of the National Convention and, in particular, the subsequent constitution drafting exercise become genuinely inclusive, through the unhindered participation of all political parties and representatives of ethnic nationalities;

(b) To ensure that the proposals tabled at the National Convention for the chapters of the draft constitution are consistent with the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments;

(c) To create the conditions for the free operation of existing and new political parties, in advance of the referendum and elections envisaged under the seven-step road map; and to ensure that all eligible citizens are registered to vote in any future referendum and elections, and that these are conducted according to international standards with the full participation of all political parties;

(d) To pursue through dialogue and peaceful means the immediate suspension and permanent end of conflict with all ethnic groups in Myanmar, including by ensuring that the constitutional drafting process responds to the concerns of the ethnic nationalities, including the ceasefire groups attending the Convention, and respects their rights, so as to increase the likelihood that these ceasefires will lead to lasting political settlements and peace;

(e) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of the administration of justice;

5. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable his Special Envoy and the Special Rapporteur to discharge their mandate fully and effectively;

(c) To report to the General Assembly at its sixty-first session and to the Commission on Human Rights at its sixty-second session on the progress made in the implementation of the present resolution;

6. *Decides* to continue the consideration of this question at its sixty-first session.

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Agenda item 71 (b)
Human rights questions: human rights questions, including alternative approaches to improving the effective enjoyment of human rights and fundamental freedoms

Angola, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Colombia, Congo, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Monaco, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United Republic of Tanzania: draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Co enant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights,[2] and other relevant human rights provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that

[1] See resolution 2200 A (XXI), annex.

every individual has the right to freedom of thought, conscience, expression and religion,[3]

Reaffirming also the recognition by the World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated,

Recalling General Assembly resolution 56/6 of 9 November 2001 on the Global Agenda for Dialogue among Civilizations, in which the Assembly recognized the valuable contribution that dialogue among civilizations could make to an improved awareness and understanding of the common values shared by all humankind,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

Recognizing the importance of promoting dialogue among civilizations in order to enhance mutual understanding and knowledge among different social groups, cultures and civilizations in various areas including culture, religion, education, information, science and technology, and in order to contribute to the promotion and protection of human rights and fundamental freedoms,

Recalling Commission on Human Rights resolution 2005/40 of 19 April 2005 on the elimination of all forms of intolerance and of discrimination based on religion or belief,[4]

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Seriously concerned also at the misuse of registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities, and at the limitations placed on religious publications,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Convinced of the need to address, for instance in the context of the Global Agenda for Dialogue among Civilizations,[5] the rise in all parts of the world of religious extremism affecting the rights of individuals and groups based on religion or belief, the situations of violence and discrimination that affect many women as a result of religion or belief, and the abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

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[3] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

[4] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[5] See resolution 56/6.

Resolved to adopt all necessary and appropriate measures for the speedy elimination of such intolerance based on religion or belief in all its forms and manifestations and to prevent and combat discrimination based on religion or belief,

Noting that a formal or legal distinction at the national level between different kinds of religions or faith-based communities may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance which involves the acceptance by the public of, and its respect for, diversity including with regard to religious expressions, and underlining also that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

Recalling the importance of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination, held in Madrid in November 2001, and continuing to invite Governments to give consideration to the Final Document* adopted at the Conference,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief,

Recognizing the importance of inter- and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion and belief,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Takes note with appreciation* of the work and the report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;[†]

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies, and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the

* Available from www.hurights.or.jp/hreas/5/18appendex2.pdf.

† E/CN.4/2005/61 and Corr.1 and Add.1 and 2.

right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(b) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(c) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;

(d) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(e) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(f) To also ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(g) To further ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

7. *Stresses* the need to strengthen dialogue, inter alia, by revitalizing the Global Agenda for Dialogue among Civilizations;[5]

8. *Invites* States, the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights and other relevant entities of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, and other international and regional organizations, and also the civil society to consider promoting dialogue among civilizations in order to contribute to the elimination of intolerance and discrimination based on religion or belief, inter alia, by addressing the following issues within the framework of international standards of human rights:

(a) The rise of religious extremism affecting religions in all parts of the world;

(b) The situations of violence and discrimination that affect many women as a result of religion or belief;

(c) The use of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations;

9. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

(a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices that violate the human rights of women and discriminate against women including in the exercise of their right to freedom of thought, conscience, religion or belief;

(b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

(c) Undertaking all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

10. *Invites* Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding;

11. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

12. *Also emphasizes* that equating any religion with terrorism should be avoided, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

13. *Further emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

14. *Encourages* the continuing efforts in all parts of the world of the Special Rapporteur to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of

Intolerance and of Discrimination Based on Religion or Belief[8] and to recommend remedial measures as appropriate;

15. *Stresses* the need for the Special Rapporteur to continue to apply a gender perspective, inter alia, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

16. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

17. *Recommends* that the United Nations and other actors, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration in as many different languages as possible by United Nations information centres, and by other interested bodies;

18. *Decides* to continue its consideration of measures to implement the Declaration;

19. *Welcomes* the work of the Special Rapporteur and urges all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her request to visit their countries and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;

20. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session;

22. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-first session under the item entitled "Human rights questions".

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[8] See resolution 36/55.